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OF MOROCCO

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Classified By: Ambassador Samuel L. Kaplan for reasons 1.4 (b) and (d).

¶1. (C) Summary: The Mission held its fourth annual Human Rights Dialogue with the Government of Morocco (GOM) on December 1. On the Moroccan side, this year's Dialogue was chaired by the Ministry of Justice (MOJ) and included representatives from the Ministry of Interior (MOI) and the Ministry of Foreign Affairs (MFA). The atmosphere was constructive, non-confrontational, and focused on addressing specific cases and seeking ways to improve the exchange of information. The issue of freedom of the press provoked vigorous debate as the Moroccans offered extensive detail to support their claim that there has not been an numerical increase in prosecutions against journalists but remained uncomfortable with our insistence that jailing journalists was not the best way to achieve balance between press freedom and responsible journalism. Discussion of the state of Moroccan democracy and the right of citizens to change their government also led to a spirited exchange. The discussion of specific cases, including those of Aminatou Haidar and the seven Sahrawis arrested in Casablanca after a visit to Algeria, and of the ongoing NGO recognition issue, was civil and open. The GOM provided detailed answers to many of our questions and acknowledged our concerns. The GOM pushed for the Morocco and Western Sahara human rights reports to be combined. GOM officials expressed eagerness for continuing and more frequent discussion, both in Rabat and in Washington, but did not indicate how it planned to further institutionalize respect for human rights in the country.
End summary.

New Line-up, New Tone

¶2. (U) Mohammed Abdennabaoui, Director of Criminal Affairs and Pardons at the MOJ, chaired the Moroccan delegation at this year's Human Rights Dialogue. MOI Director of the Public Laws and Liberties Division Mohammed Ouzgane brought a larger MOI delegation and participated actively. Azzedine Farhane, Director of the UN and International Organizations Division, led the four-person MFA delegation. The then-Charge chaired the meeting for the U.S. side, accompanied by PolCouns, PolOff, Casablanca PolOff, and PolAssistant.

Democracy

¶3. (SBU) During the opening comments, the GOM complained about language that Moroccans do not have the right to change their government. Then-Charge responded that while we recognize the transparency of the September 2007 and June

2009 elections, applaud the 25-percent increase in the number of women elected to municipal governments, and appreciate the progress that Morocco has made toward democracy, Moroccans, in our view, do not have the right to change their government. The Moroccans also asserted that they are held to a higher standard than their neighbors. Then-Charge responded that we seek to promote continual progress and that no country, including the United States, has a perfect human rights record.

Police Abuse

¶4. (SBU) Addressing police abuse and impunity, GOM officials acknowledged that there is the public perception of a lack of adequate and credible investigations of abuse complaints. However, MOJ and MOI officials noted that whenever a complaint is filed, an investigation is opened by prosecutors, and that the GOM is trying to increase credibility and transparency. They also pointed with pride to Morocco's anti-torture law and insisted that torture is no longer tolerated anywhere in the country, although they did acknowledge information from reliable press reports and human rights groups indicating that application of the anti-torture law, though improving, has been uneven and has not yet succeeded in preventing isolated cases of abuse.

Freedom of the Press

¶5. (C) EmbOffs emphasized press freedom and noted our concern over prison sentences recently handed down to journalists. The GOM acknowledged our concern, but reiterated that in a state based on rule-of-law, it is necessary to strike a balance between freedom of the press and responsible journalism. They complained that since there are neither accepted professional standards for journalists nor a certification process, anyone can claim to be a journalist and proceed to libel citizens in the media. They acknowledged the problem posed by citizens being unable to file libel or defamation cases in civil courts, which results in all such cases being tried before a criminal court. We expressed the belief that a new press code would help. (Note: Faisal Laraichi, the SNRT Director General and confidant of King Mohammed VI, recently told DCM and PAO that a new press code will be presented to the media and Parliament in the newr future. End Note.)

¶6. (SBU) GOM officials argued that there has been no significant increase this year in the number of prosecutions against journalists. In fact they asserted that the GOM has initiated fewer prosecutions than in 2008 and 2007. However, GOM statistics show a 25 percent increase in total cases) those initiated by the GOM and by private citizens -- from 45 cases in 2008 to 56 thus far in 2009. In 2006, there were 37 criminal cases against journalists, while in 2007 there were 42 cases. The GOM further claimed that in light of the increase in the number of independent newspapers and magazines published in Morocco to over 400, the number of cases brought against journalists has remained steady. They also noted that 90 percent of the cases are brought by individuals rather than by the Government. (Comment: This overly quantitative approach shrouds the significance of the issue and the fact that the steady stream of high-profile criminal prosecutions, newspaper closings, and libel suits in 2009 has contributed to the impression, universal among human rights watchdogs, that Morocco is going in the wrong direction on press freedom. End comment.)

¶7. (SBU) The GOM acknowledged that two media cases this year resulted in prison sentences. In one, Idriss Chahtane, director of the Arabic-language weekly "Al Michaal," received a one-year sentence, and journalists Mustafa Hirane and Rachine Mahamid received three months each. In the other, Taoufik Bouachrine, director of the Arabic-language daily

"Akhbar Al Eom," and cartoonist Khaled Gueddar were sentenced to a combined total of eight years in prison.

¶18. (SBU) The then-Charge thanked the GOM for the statistics and information but noted that the USG does not believe jail sentences are the best way to help Morocco strike a balance between freedom of the press and responsible journalism.

(Comment: Jail sentences violate informal commitments made repeatedly by senior GOM officials, including the Minister of Communications, that the GOM would not seek jail sentences for journalists despite the laws on the books. End comment.)

The then-Charge urged adoption of a new press code, and he suggested that in some cases perhaps the best response was no response, given that court cases and trials tend to draw negative and prolonged attention to cases that would likely go away quietly if left unprosecuted. At this suggestion the tone of the discussions shifted slightly from constructive to defensive as the MOJ and MOI representatives argued that leaving serious defamation unaddressed could not be tolerated in a society based on the rule-of-law.

Prison Conditions and Visits

¶19. (SBU) Then-Charge noted the tremendous decrease in the number of people incarcerated due to the King's pardons of almost 30,000 detainees. Nonetheless, EmbOffs pressed the GOM to provide an explanation of the process by which non-governmental organizations (NGOs) can be granted permission to visit prisons. Abdennabaoui explained that the GOM takes very seriously prisoners' right to visits from family members, medical personnel, and their attorneys. He said the Consultative Council on Human Rights (CCDH) visits prisons ten times each year, while the NGO "Moroccan Observatory of Prisons or (OMP)" visited prisons throughout Morocco about 52 times in the last year. Moroccan judges and state attorneys have conducted 357 visits thus far in 2009, he added.

¶110. (SBU) Abdennabaoui stated that beyond this, NGOs are permitted to enter prisons only if they have a specific purpose to minister to prisoners, social, educational or spiritual needs, or to help prisoners move toward reintegration into society. This is limited to Moroccan NGOs; international NGOs have never been allowed to visit

Moroccan prisons. He emphasized that NGOs must demonstrate their intent to minister to prisoners needs in order to be granted access; those that seek access only to perform what he called a "regulatory function," which by law is the domain of the state, are rarely permitted. Abdennaboui also confirmed that the GOM continues to train guards, magistrates, and the gendarmerie on new anti-torture laws. Abdelmounaim El Farouq, Head of the MFA's Division of Humanitarian and Social Issues, also explained that the GOM has always sought to honor its international obligations regarding international organizations such as the International Committee of the Red Cross.

TIP and Labor Issues

¶111. (SBU) EmbOffs again urged the GOM to enact comprehensive anti-trafficking legislation that would consolidate its laws and prescribe appropriate punishment for trafficking-in-persons (TIP) and related crimes. GOM officials reminded us that 220 trafficking or smuggling rings were dismantled in 2008. We responded that, because Moroccan law does not adequately distinguish between human smuggling and human trafficking, this number, while a positive indicator, is inconclusive evidence regarding TIP enforcement. We urged the GOM to collect data on incidents of trafficking enforcement as distinct from human smuggling.

¶112. (SBU) The two most commonly trafficked groups in Morocco are young girls forced to work as child maids and women

forced to perform sexual services. GOM officials noted that although nobody has been prosecuted to date for hiring child maids, the Minister of Social Development, Family, and Solidarity is working to enact a law that will change this. The GOM vehemently denied allegations that authorities routinely round up illegal sub-Saharan migrants, including victims of trafficking, and leave them at the Algerian border.

NGO Recognition

¶13. (SBU) The Embassy pressed for further clarification of NGO registration procedures, alluding to complaints from both international and Moroccan NGOs related to the GOM's failure to recognize them fully. In particular, we drew attention to the case of the Sahrawi Association of Victims of Grave Human Rights Violations (ASVDH) and of Amnesty Morocco.

Abdennabaoui and Ouzgane explained that there are two levels of recognition of NGOs: the first is recognition of the NGO by the GOM and permission to carry out its stated activities; the second is authorization to raise and collect money without being subject to Moroccan taxes -- the Moroccan equivalent of 501(c)3 status in the United States. The GOM claims to have open and liberal procedures for NGO recognition, noting as an example that both ASVDH and Amnesty Morocco are recognized organizations that are permitted to carry out their work. However, they continued, no NGO automatically has the right to operate with tax-free status; in order to gain this status, the organization must demonstrate that it has &public utility8 and carries out a function that benefits the common good. GOM representatives noted that Amnesty Morocco applied to the wrong ministry for tax-free status but has recently applied to the proper ministry -- the MOI -- which is examining the case. They made no further comment about the status of ASVDH, Aminatou Haidar, s NGO.

Specific Cases

¶14. (SBU) DEATH AT CADI AYYAD UNIVERSITY: Turning to specific cases, the GOM acknowledged that it has had difficulties in controlling violence at Marrakesh's Cadi Ayyad University, maintaining that in a country where university protests are common, Cadi Ayyad is the only place where they frequently result in violence. Concerning the specific case of Abderrazzak Kadiri, a student who died in December 2008, the GOM reported that an autopsy revealed evidence of foul play. However, Kadiri was never in police custody, and no perpetrators have yet been identified. The investigation, they said, is ongoing.

¶15. (SBU) ABUSE OF PJD POLITICIAN: Regarding the case of police violence against Party of Justice and Development (PJD) members in Oujda following the June 2009 elections, GOM officials acknowledged that violence broke out when police tried to disperse PJD members who had gathered illegally

around the mayor,s office, and that local PJD politician Noureddine Boubker was injured. However, they maintained Boubker never filed a complaint, while a group of PJD lawyers who did file a complaint on his behalf have dropped the case.

¶16. (SBU) SEVEN SAHRAWIS: The Embassy urged a speedy resolution to the case of seven pro-independence Sahrawi activists arrested when they arrived in Casablanca in October and asked for a clear explanation of why the case would be tried in a military, rather than civilian, court (Ref A). Because of the politically sensitive nature of the case, we reminded the GOM that it was crucial to ensure that the proceedings be as transparent as possible. Abdennabaoui and Ouzgane explained that the seven were arrested and immediately charged with intelligence cooperation with a foreign entity, which is a crime under Moroccan law. They said the seven had participated in a military parade alongside representatives from the Polisario and the Algerian

government and are suspected of receiving financial support from foreign entities. The Moroccans stressed that they consider this to be a criminal case and not a human rights case, and assert that they have ensured the seven have regular family and attorney visits and are in no way mistreated while in pre-trial detention. They also explained that Moroccan law dictates that trials related to national security take place before a military tribunal, which consists of a mixed bench including both military and civilian judges.

¶17. (SBU) AMINATOU HAIDAR: The Charge expressed concern for Haidar's health and urged the GOM to resolve the case expeditiously. Given the extensive discussions of the case in the days immediately preceding the Dialogue, we kept discussion of it to a minimum in order to devote more time to the many other cases and issues.

¶18. (C) CHAKIB AL-KHYARI: When then-Charge asked the GOM officials to explain why Chakib Al-Khyari, the President of the Independent Human Rights Association of the Rif, had been sentenced to four years in prison and a USD 90,000 fine, for what were normally misdemeanors, GOM officials explained that Al-Khyari's work for a foreign government was the key issue.

The GOM requested that the USG keep that information in confidence.

Western Sahara

¶19. (SBU) The GOM decried the USG's tendency to write a separate country report for Western Sahara, arguing that human rights conditions in Western Sahara were the same as in the rest of Morocco. Then-Charge responded that the international community views Western Sahara as a separate entity. He also cited the separate reports for Tibet and Hong Kong and noted Secretary of State Clinton's November 2 statement that U.S. policy on Western Sahara has not changed.

Comment

¶20. (SBU) The Mission was generally pleased with this year's Human Rights Dialogue. The GOM reiterated throughout the five-hour discussion its commitment to reform and to improved human rights is genuine and non-reversible, stating that the Government was always looking for ways to improve the situation. However, the officials reminded us, in light of the legal reforms achieved in the last ten years (Ref B), society must be given a chance to absorb and adapt to these changes, which is a process the GOM is working to manage. They emphasized that they have the political will, but that everything takes time ... as well as the support of the King.

¶21. (SBU) The GOM is eager to continue the Human Rights Dialogue, both formally and informally. It would welcome the participation of representatives from the Bureau of Democracy, Human Rights and Labor (which was invited to participate -- in subsequent discussions in Rabat, and also requested meetings in Washington, especially prior to the February release of the Country Reports on Human Rights Practices for 2009.

¶22. (C) The overall atmosphere was more constructive and civil than in previous years, and there was a notable absence of defensiveness on the GOM side. We attribute this both to an increased Moroccan comfort level with the format and goals of the Dialogue, and to an increase in their level of preparedness. All three ministries brought additional staff members who clearly had done their homework on many of the

issues. In addition, the Embassy had provided extensive written lists of questions in advance, covering the whole range of shared concerns: freedom of the press, torture, prison conditions, corruption, the status of trafficking in persons and asylum-related legislation, the seven Sahrawis

who were arrested in Casablanca, and the NGO recognition process.

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